

RESOLUTION NO. 786

RESOLUTION REQUESTING THE REAPPORTIONMENT OF ASSESSMENT IN LID #7 - TAX LOT #2200.

WHEREAS, the city staff has prepared a report on the above captioned subject which is attached hereto as Exhibit "A"; and

WHEREAS, the City Council has duly considered the subject and the recommendation(s) contained in the staff report; and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the recommendation(s) contained therein and further instructs that action appropriate to the recommendation(s) be taken.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 4th day of September , 1990, and filed with the Wilsonville City Recorder this same date.



JOHN M. LUDLOW, Mayor

ATTEST:



VERA A. ROJAS, CMC, City Recorder

SUMMARY of Votes:

Mayor Ludlow AYE
Councilor Dant AYE
Councilor Chandler AYE
Councilor Clarke AYE
Councilor Edwards AYE



City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E • PO Box 220
Wilsonville, OR 97070
(503) 682-1011

MEMORANDUM

FINANCE DEPT

EXHIBIT "A"

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: RAY SHORTEN, FINANCE DIRECTOR

DATE: AUGUST 30,1990

**RE: REQUEST FOR REAPPORTIONMENT OF AN
ASSESSMENT IN LID #7 - TAX LOT #2200**

I have received an application from Ed Hart and Noel Flynn to reapportion an assessment in LID #7 aka "The Boberg Subdivision" concerning Tax Lot #2200, Section 14, Township 3 South, Range 1 West of the Willamette Meridian, County of Clackamas, Wilsonville, Oregon.

The reapportionment request was filed in accordance with City Ordinance #350. The purpose of this reapportionment is to create two parcels of land from Tax Lot #2200. The assessment on this property is not delinquent.

An escrow closing is currently scheduled for the sale of the reapportioned Parcel B. It is anticipated that the total assessment remaining on Parcel B will be paid at closing.

The reapportionment of this assessment will coincide with a request for a minor land partition currently being processed through the City's Planning Dept.

The parcel to be reapportioned fronts improved streets.

The reapportionment of the assessment will be made on a pro-rata acreage basis. The relative values, area, and frontage on public streets are proportionate to the proposed reapportionment, so there

should be no impairment to the security of the City or the holders of the Bancroft bonds.

I have attached a map showing the parcel involved and the acreage of each.

The principal balance on the assessment equals \$169,860.60, with the total acreage being 12.78 acres. Assessment per acre calculates to \$13,291.13 (assessment/acreage).

Reapportionment:

Parcel A	6.63 acres
Assessment Parcel A	\$88,120.17
Parcel B	6.15 acres
Assessment Parcel B	\$81,740.43

A notice of consideration of reapportionment by Council has been sent to all parties involved.

RECOMMENDATION:

I recommend that the above reapportionment be approved.



August 20, 1990

Mr. Ray Shorten
Finance Director
City of Wilsonville
PO Box 220
Wilsonville, OR 97070

RE: Assessment Reapportionment Application: 3S 1W 31W 14A TL #2200

Dear Ray:

Enclosed for your review are two signed copies of the Assessment Reapportionment Application for the property located at 28055 SW Boberg Rd., Wilsonville, Oregon. Included with the application is supporting information needed to file the application.

Our intent is to see that the application is heard in the City Council Meeting scheduled for Tuesday, September 4th. I will contact you next week to discuss the status of the application. In the meantime, please call with any questions.

Sincerely,

MACADAM FORBES, INC.

A handwritten signature in cursive script, appearing to read "Todd B. Collins".

Todd B. Collins

TBC:rd
enclosure

ASSESSMENT REAPPORTIONMENT APPLICATION

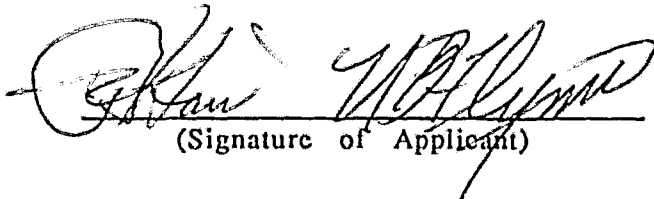
APPLICATION TO REAPPORTION AN ASSESSMENT IN A LOCAL IMPROVEMENT
DISTRICT WITHIN THE CITY LIMITS OF WILSONVILLE, OREGON

City of Wilsonville Ordinance #350 Section #3.209 (copy attached) outlines the requirements necessary to initiate a reapportionment of an existing LID assessment.

To assure that your application can be adequately processed, please sign and return this form and include the following items to satisfy your requirements for reapportionment.

1. A legal description of each parcel of land into which the property is proposed to be divided.
2. The complete name and address of each of the owners and other parties having an interest in such property.
3. Verification that an application to partition the property involved has been initiated through the City of Wilsonville Planning dept.
4. A survey map showing tax lot #'s, acreage of each parcel and approximate location of tax lot being reapportioned.
5. Verification that each partitioned parcel of property will have a value of two times the proposed reapportioned assessment of the parcel.

All of the items above are provided with this application and I hereby apply to reapportion Tax Lot 2200 in accordance with Ordinance #350.


(Signature of Applicant)

8-20-90
Date of Application

3.290 Reapportionment of assessments. (1) Property in single ownership at the time of the initial hearing at which the City acquires jurisdiction to perform a public improvement need not be divided by the City for the purpose of levying assessments except when the City received actual notice of the division of ownership of such property prior to the enactment of the assessment ordinance. After an assessment has been levied upon contiguous property in single ownership as provided in this section, there shall be no division or reapportionment of the assessment lien except under the following procedure:

- (a) The owner of all or any portion of a parcel of contiguous land subject to a single assessment may make application to the Finance Director for a division and reapportionment of the assessment; and such application shall contain a legal description of each parcel of land into which the property is proposed to be divided together with the name and address of each of the owners and other parties having an interest in such property.
- (b) The Finance Director shall prepare a written report reapportioning the assessments within fifteen (15) working days of receipt of the application with recommendations to the City Council. The Finance Director shall mail the report to each owner or party having an interest in the property being reapportioned and shall include notice of the time that the City Council shall hear the recommendations.
- (c) The Finance Director shall make no recommendation for a reapportionment of an assessment which will impair the security of the City for collection of the assessments upon the property, and the Finance Director may recommend to Council conditions upon such reapportionments for the protection of the City.
- (d) The City Council by resolution shall adopt, modify, or deny the recommendations made by the Finance Director on reapportionment.

INFORMATION FOR REAPPORTIONMENT APPLICATION

1. Attached is a survey completed June 14, 1989. Currently the surveyor is working on a metes and bounds legal description for both parcels. This should be available no later than Wednesday, August 22, 1990.
2. Mr. Ed Hart
Mr. Noel Flynn
7340 SW Hunziker Road
Suite 102
Tigard, OR 97223
3. See attached copy of preliminary application for minor partition.
4. See attached survey.
5. Analysis of partitioned value is based 1989-90 tax assessed value:

1989-90 Assessed Value:

Land:	\$ 823,110.00*
Improvements:	<u>476,690.00</u>
Non-Partitioned Total Value:	\$1,299,800.00

Partitioned Value:

(Based on Percentage of Total, Excluding Improvements)

Partitioned Parcel A - 7.39 acres (54%)	\$449,112.00
Partitioned Parcel B - 6.15 acres (45%)	<u>373,998.00</u>
	\$823,110.00*

Evaluation/Comparison

Market Value for Parcel A (7.39 ac @ \$2.75/FT)	\$885,248.00
Tax Assessed "Partitioned " Value	<u>449,112.00</u>
	\$436,136.00

Sales Price for Parcel B + Improvements	\$900,000.00
Tax Assessor "Partitioned" Value of Land & Improvements	<u>850,688.00</u>
	\$ 49,312.00

(2) = FD. CLACKAMAS CO. DISC
IN MON. BOX 1/4 COR 11
AS PER BT 6/173

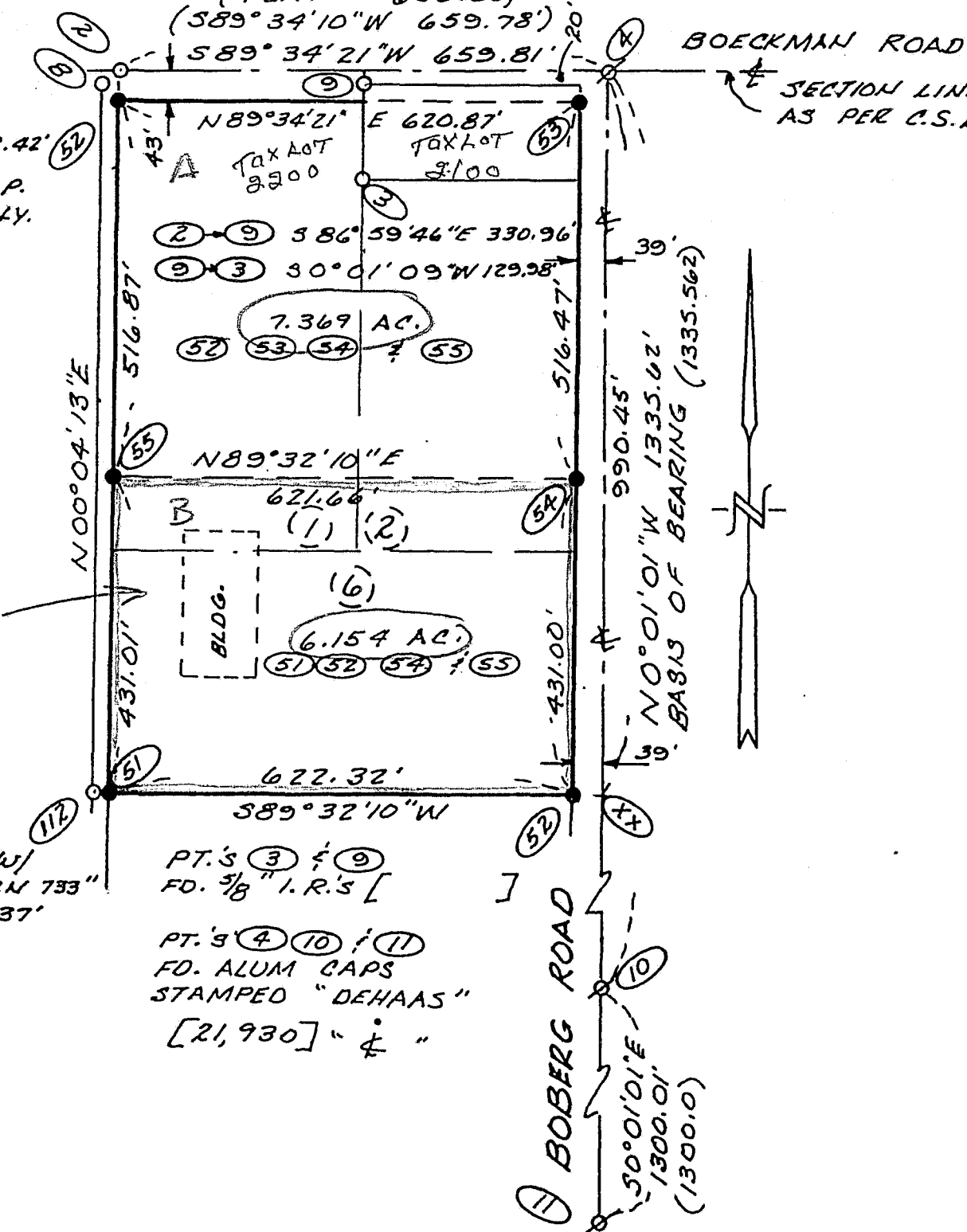
(PLAT 660.00)
(589°34'10"W 659.78')

(2) (8)
S 43°58'W 28.42'
(8) = FD 1/2" I.P.
LEANING N.E.LY.

PARCEL IN
SECTION

FD. 5/8" I.R. W/
CAP "HAGEDORN 733"
N 83°54'W 18.37'
[19,309]

PT.'S (3) & (9)
FD. 5/8" I.R.'S []
PT.'S (4) (10) & (11)
FD. ALUM CAPS
STAMPED "DEHAAS"
[21,930] " & "



BOUNDARY SURVEY

FOR
NOEL FLYNN & EDWARD HART
IN LOTS 1, 2 & 6 "BOBERG"
NW 1/4, NE 1/4
SECTION 14, T3S, R1W, W.M.
CLACKAMAS COUNTY, OREGON
CITY OF WILSONVILLE
SCALE: 1" = 200' JUNE 14, 1989

W. LAYNE CASWELL
Registered Land Surveyor
6120 S. W. Lombard Ave.
Beaverton, Oregon 97005

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Walter L. Caswell

OREGON
JULY 8, 1966
WALTER L. CASWELL
737

NARRATIVE :

THE PURPOSE OF THIS SURVEY WAS TO PARTITION OFF A 6.154 ACRE TRACT OFF THE SOUTHERLY PORTION OF LOTS 1, 2 AND 6 "BOBERG". HOWEVER, IT IS MY UNDERSTANDING THAT THE SALE AND MINOR PARTITION FELL THROUGH.

THE FIELD CREW CONSISTED OF ROBERT WHITE, PLS 2329; JEFF CASWELL, AND STEVE TAYLOR WHO WERE UNDER MY DIRECT SUPERVISION.

THE PLAT OF "BOBERG" WAS FILED FOR RECORD OCTOBER 3, 1907. THE SURVEYOR SET A STONE AT THE NORTHEAST CORNER OF THE PLAT FOR THE INITIAL POINT AND "PAPER" MONUMENTS FOR OTHER CORNERS. AFTER EXAMINATION OF THE SURVEYS OF RECORD IN THE PLAT, I COULD NOT FIND ANY THAT FOUND ORIGINAL MONUMENTS. THE 1/4 CORNER BETWEEN SECTION 11 AND 14 MAY BE IN THE SAME LOCATION AS THE PLAT SHOWS. THE PLAT BOUNDARIES ARE THE LINES CREATED BY THE WEST HALF OF THE NORTHEAST QUARTER. THE ONLY SURVEY OF RECORD THAT ATTEMPTED TO ESTABLISH THE PLAT BOUNDARIES PROPERLY IS P.S. NO. 21,216. ALL OTHER SURVEYS HELD RECORD DISTANCES TO ESTABLISH LOT CORNERS IN THE PLAT WITHOUT ANY PRORATION WHATSOEVER.

I BELIEVE THE P.S. NO. 21,216 ESTABLISHED THE BOUNDARIES OF THE PLAT PROPERLY. I, THEREFORE, USED THAT SURVEY FOR MY BASIS OF BEARING AND FOR MY DETERMINATION OF LOT 1, 2 AND 6.

IT SHOULD BE NOTED THE SMALL TRACT EAST OF PT.'S (9) AND (3) WILL NEED ADDITIONAL DEDICATION FOR BOECKMAN ROAD.

MONUMENTS WERE SET JUNE 14, 1989.

NOTES :

- O DENOTES MONUMENT FOUND AS NOTED - IRONS FOUND BENT WERE STRAIGHTENED.
- DENOTES 5/8 X 30 INCH IRON REBAR SET WITH PLASTIC YELLOW CAP INSCRIBED "CASWELL PLS 737".
- [] DENOTES PROBABLE ORIGIN OF MONUMENT.
- () DENOTES RECORD BEARING AND/OR DISTANCE.
- BEARING BASIS: C.S. NO. 21,216.
- REFERENCE MATERIAL: PLAT OF "BOBERG".
COUNTY SURVEY NUMBERS: P.S. 4,955; 7,635; 9,608; 11,525; 10,761; 12,708; 13,526; 15,840; 15,919; 15,934; 18,261; 19,309; 19,392.
DEEDS: 86-24418, 86-24417.
- (1) DENOTES COMPUTER POINT NUMBER.

**CLAYNE CASWELL
SURVEYOR, INC.**

REGISTERED LAND SURVEYOR
Oregon - Washington - Idaho

6120 S.W. Lombard Avenue • Beaverton, Oregon 97005 • Telephone 503 / 644-3179

August 22, 1990
Job No. 4414-4

BOUNDARY DESCRIPTION
PARCEL I

A tract of land in Lots 1 and 2 "Boberg", a subdivision in the West half of the Northeast quarter of Section 14, T3S, R1W, W.M., Clackamas County, Oregon, being more particularly described as follows:

Beginning at a point that is $S0^{\circ}04'13''W$ 43.00 feet from the North quarter corner of said Section 14; thence $S0^{\circ}14'13''W$, along the West line of said Lot 1, 516.87 feet; thence $S89^{\circ}32'10''E$ 621.66 feet, to the West line of Boberg Road as dedicated in Fee Document No. 86-24418; thence $N0^{\circ}01'01''W$, along said West line, 476.19 feet; thence 63.12 feet, along the arc of a 40.00 foot radius curve, through a central angle to the left of $90^{\circ}24'38''$, (said curve has a chord that bears $N45^{\circ}13'19''W$, 56.77 feet) to the South line of Boeckman Road (CR #80); thence $S89^{\circ}34'21''W$, along said South line, 580.58 feet to the Point of Beginning. A tract containing 7.36 acres.

Together with a 40.00 foot easement described as follows:

Commencing at the S.W. corner of Lot 6 of said plat of "Boberg"; thence $N0^{\circ}04'13''E$, along the West line of said Lot 6, 431.01 feet; thence $S89^{\circ}32'10''E$ 221.66 feet to the True Point of Beginning; thence $S89^{\circ}32'10''E$ 400.00 feet to the West line of Boberg Road; thence $S0^{\circ}01'01''E$, along said West line, 40.00 feet;

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Macadam Forbes

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thence N89°32'10"W, 400.00 feet; thence N0°01'01"W 40.00 feet to the True Point of Beginning.

Subject to a 6.00 foot utility easement along the East side of the above described tract as described in Fee Document 86-24417 recorded July 2, 1986 in the records of Clackamas County.

**CLAYNE CASWELL
SURVEYOR, INC.**

REGISTERED LAND SURVEYOR
Oregon - Washington - Idaho

6120 S.W. Lombard Avenue • Beaverton, Oregon 97005 • Telephone 503 / 644-3179

August 23, 1990
Job No. 4414-2

**BOUNDARY DESCRIPTION
PARCEL 2**

A tract of land in Lot 1, 2, and 6 "BOBERG", a subdivision in the West half of the Northeast quarter of Section 14, Township (3) South, Range (1) West, W. M., Clackamas County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of Lot 6, thence $N0^{\circ}04'13"E$, along the West line of Lot 6 and 1, 431.01 feet; thence $N89^{\circ}32'10"E$, parallel with the South line of Lot 6, 621.66 feet to the West line of Boberg Road as dedicated July 2, 1986 in document 86-24418 of the Clackamas County Records; thence $S0^{\circ}01'01"E$, along said West line, 431.00 feet to the South line of Lot 6; thence $S89^{\circ}32'10"W$, along said South line, 622.32 feet to the point of beginning. Containing 6.15 acres.

Subject to a 6.0 foot wide utility easement along the East side of the above described tract as described in document 86-24417 recorded July 2, 1986 in the records of Clackamas County.

Subject to the following described 40.00 foot easement:

Commencing at the S.W. corner of Lot 6 of said plat of "Boberg"; thence $N0^{\circ}04'13"W$, along the West line of said Lot 6, 431.01 feet; thence $S89^{\circ}32'10"E$ 221.66 feet to the True Point of Beginning; thence $S89^{\circ}32'10"E$ 400.00 feet to the West line of

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15:33

503 274 8216

Macadam Forbes

005/005

Boberg Road; thence $S0^{\circ}01'01''E$, along said West line, 40.00 feet;
thence $N89^{\circ}32'10''W$, 400.00 feet; thence $N0^{\circ}01'01''W$, 40.00 feet to
the True Point of Beginning.

ASSESSMENT FILES-2 INQUIRE

Master No : [46] Asses # : [33]
 Name : [CHART, ED C/O J.WATHEN]
 Address-1 : [700 NE MULTNOMAH]
 City : [PORTLAND] St : [OR] Zip : [97232] [0000]

01. B-Name : [CHART, ED C/O J.WATHEN]
 02. B-Addr-1 : [700 NE MULTNOMAH]
 03. B-Addr-2 : []
 04. B-City : [PORTLAND] 5. B-St : [OR] 06. B-Zip : [97232] [0000]

07. Status : [EB] 16. Ord # : [509]
 08. Bsn Date : [40186] BILLING PERIODS
 09. Bnd Date : [43086] 17. Bill-1 : [501]
 10. Bnd Amt : [242658.00] 18. Bill-2 : [1101]
 11. Prin-F/D/I : [10] [73] [1120100] 19. Bill-3 : []
 12. Int-F/D/I : [10] [73] [4411300] 20. Bill-4 : []
 13. Frclosure : [EN] 21. B-Flag : [EB]
 14. Lid # : [7] [] [] 22. # Yrs : [15]
 15. Remarks : [] 23. Bdte : [041690]
 MORE INQUIRES (Y/N) () 24. Delq : [000000]

ASSESSMENT FILES INQUIRE

Name : CHART, ED C/O J.WATHEN] # Of Owners [13
 Address-1 : [700 NE MULTNOMAH]
 City : [PORTLAND] St : [OR] Zip : [97232][0000]

Asses # : [33] Map/Tax Lt: [SEC.14A - 2200]
 02. Lien Date : [40186] 05. Proj Type : [EST-UT]
 03. Lien Amt : [242658.00] 06. Inst Amt : [8088.60]
 04. Ban Amt : [242658.00] 07. IntMercnt: [8.96002]
 08. Legal Desc: [SEC.14A-TAX LOT #2200] 09. County No : []

PRINCPL		INTEREST		PENALTY	
10. Cur: E	0.00]	15. Cur: E	0.00]	20. Cur: E	0.00]
11. 180: E	0.00]	16. 180: E	0.00]	21. 180: E	0.00]
12. 360: E	0.00]	17. 360: E	0.00]	22. 360: E	0.00]
13. 540: E	0.00]	18. 540: E	0.00]	23. 540: E	0.00]
14. 720: E	0.00]	19. 720: E	0.00]	24. 720: E	0.00]
Total: E	0.00]	Total: E	0.00]	Total: E	0.00]
25. PBal: E 169860.60]		B-Due: E	0.00]	27. I-Dte: [050190]	
29. Leg Remark: E				28. Due : [50190]	

CORRECT RECORD (Y/N) ()

CITY OF WILSONVILLE

8445 S.W. Elgisen Road
P.O. Box 220/Wilsonville, OR 97070-0220
503/682-4960

PLANNING DEPARTMENT SITE DEVELOPMENT APPLICATION AND PERMIT

File No. _____ 1/4 Sec. _____

Final action on application or zone change is required within 120 days in accordance with provisions of ORS 227.175.

Pre-App. _____
Mo. Day Yr.

A preapplication conference normally is required prior to submittal of an application. Please contact the Planning Department at 682-4960 for an appointment.

APPLICANT - COMPLETE

Owner's Name Ed Mart & Noel Flynn Contact Person Dave Egelhoff/Todd Collins
(Contract Purchasers)

Address 7390 NW Amazon Rd. Address 1000 SW First Ave., Suite 100
Tigard, OR 97124 Portland, OR 97201

Phone (503) 227-1521 Phone (503) 227-2600

Owner's Signature _____

Property Description: T. 30 R. 10 Map 9111 1A Tax Lot(s) 2200

Request to concrete the entire G access with building and access road from
enveloped northerly average.

Please attach a plot plan (scale: 1"=40') and any other documents to this application. Please review the Planning Department submittal requirements to ensure that your application is complete.

—OFFICE USE ONLY—

Complete Application Accepted: Date _____ Public Hearing Date _____

Staff Signature _____

Class I Class II Class III

- | | | |
|--|---|---|
| <input type="checkbox"/> PLAN AMENDMENT | <input type="checkbox"/> MAJOR PARTITION | <input type="checkbox"/> DESIGN REVIEW |
| <input type="checkbox"/> ZONE CHANGE | <input checked="" type="checkbox"/> MINOR PARTITION | <input type="checkbox"/> TEXT AMENDMENT |
| <input type="checkbox"/> PRELIMINARY PLAT | <input type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> SIGN REVIEW |
| <input type="checkbox"/> FINAL PLAT | <input type="checkbox"/> VARIANCE | <input type="checkbox"/> TEMPORARY USE |
| <input type="checkbox"/> PLANNED DEVELOPMENT | <input type="checkbox"/> OTHER _____ | |

SITE FINDINGS

- | | |
|---|-----------------------------|
| 1. Zoning: _____ | 5. Building Area _____ |
| 2. Area of Lot: _____ | 6. Access to Property _____ |
| 3. Building or Sign Height:
(Max) _____ | 7. Other: _____ |
| 4. Zoning Code Minimum Setbacks:
Front _____
Side _____
Rear _____ | |

Approved Denied Approved with Conditions (see attached)

Conditions of Development

Approval of this development permit, as submitted, is based on information submitted by the applicant as outlined above. Any change of plans or incorrect information submitted may result in revocation of permit. This decision may be appealed in accordance with the provisions of the Wilsonville Code and ORS 227.180.

Fee Amount Paid \$50.00 Check No. 218 Cash

Permit Approval/Planner's Signature _____ Date: _____

City Council or Planning Commission Approval Yes No

Order/Resolution _____